

ARIZONA STATE SENATE

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TO: MEMBERS OF THE SENATE
EDUCATION COMMITTEE

DATE: January 28, 2022

SUBJECT: Strike everything amendment to S.B. 1211, relating to materials; activities; review; posting; schools

Purpose

Expands statutorily-outlined requirements providing parent or guardian access to materials used for student instruction. Requires each school operated by a school district or charter school to post on its website a list of learning materials and activities including specified information and according to specified time frames depending on the topic.

Background

A school district governing board (governing board) must approve basic textbooks used for common school and high school courses of study. The governing board must: 1) make available, for 60 days for public review, a copy of each textbook being considered for selection at the school district office; and 2) require all committees authorized to review and select textbooks to be open to the public. For textbooks used for high school courses, the governing board must also provide information on the proposed textbooks on the school district website and provide opportunity for public comment for at least 60 days (A.R.S. §§ [15-721](#) and [15-722](#)).

On written request, school personnel designated by a governing board must allow parents or guardians to access instructional materials used or being considered for use by the school district by making at least one copy of the material available for review. A parent or guardian may take printed books and materials from the school district premises for up to 48 hours and may only review all other materials on the district premises ([A.R.S. § 15-730](#)).

A parent of a student in a public educational institution has the right to review learning materials and activities in advance and may withdraw the student from a class or program using learning material, or from an activity, to which the parent objects on the basis that it is harmful, and request an alternative assignment. A charter school may require parents, as a condition of student enrollment, to waive the right to object to learning materials or activities if the school provides a complete list of books and materials before the student enrolls ([A.R.S. § 15-113](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Right to Review

1. Applies, to charter schools, the statutory requirements for designated school district personnel to allow a parent or guardian to review instructional materials used, or being considered for use, for student instruction.

2. Expands the statutory requirements to allow a parent or guardian to review instructional materials used, or being considered for use, by requiring:
 - a) teacher training materials to be made available in the same manner as student instructional materials;
 - b) materials to be available at each school site during school hours and at least 30 minutes before the beginning and after the end of each school day within 10 days after a written request; and
 - c) requiring designated personnel to allow access to a classroom library within 10 days after written request.
3. Requires a governing board to make each textbook being considered for use available at the specific school site for parents to review on written request:
 - a) during school hours; and
 - b) for at least 30 minutes before the beginning and after the end of each school day.
4. Requires each school operated by a school district, charter school, accommodation school and the Arizona State Schools for the Deaf and the Blind Campus (public school) to make all learning materials and activities used at the school available at the school site for parents to review on written request:
 - a) during school hours; and
 - b) at least 30 minutes before the beginning and after the end of each school day.
5. Prohibits, unless parents and guardians of enrolled students are provided the opportunity to review the materials, a governing board, charter school governing body (governing body) or staff persons acting in the course of official duties from purchasing, contracting or renewing instructional materials:
 - a) that are copyrighted; and
 - b) for which students are provided individual login credentials or access via electronic personal devices.
6. Requires means of review for the copyrighted material to include:
 - a) access at the school site within 10 school days; or
 - b) temporary remote access or login credentials to a copy of the materials for at least 24 hours following written request.
7. Limits requests in a 30-day period for temporary remote access or login credentials to one, per item, per household.
8. States that a parent or guardian is not required to enter into a nondisclosure agreement or waive any rights, beyond federal copyright law compliance, as a condition of reviewing instructional materials.
9. Directs each school to allow a parent or guardian to copy, scan, duplicate or photograph any portion of original materials to the extent practicable and within the limits of fair use under the federal Copyright Act.

10. Specifies that the right to review materials and activities at the school site applies to parents considering enrolling their children.
11. Defines *nondisclosure agreement* and *original materials*.

Posting Requirements

12. Requires each school operated by a school district or charter school to disclose on a publicly-accessible portion of its website:
 - a) procedures or processes in effect for a parent to access in advance to review the current learning materials and activities used for student instruction at the school;
 - b) procedures or processes in effect, and any change from the prior school year (SY), for the school principal or other staff to document, review or approve lesson plans or the learning materials and activities used at the school for student instruction and teacher training;
 - c) a listing of the learning materials and activities used for student instruction at the school in the current SY; and
 - d) a listing of the teacher training materials and activities used at the school in the current SY.
13. Requires the listing for student instructional materials and activities to be:
 - a) organized, at a minimum, by subject area, grade and teacher; and
 - b) displayed in searchable or sortable electronic formats.
14. Includes, in materials and activities used for student instruction that must be listed:
 - a) textbooks, articles and required reading materials;
 - b) videos, audio recordings, digital materials and websites;
 - c) instructional handouts and worksheets;
 - d) online applications for a phone, laptop or tablet;
 - e) grade level or schoolwide assemblies and guest lectures;
 - f) action-oriented civics learning assignments or projects; and
 - g) service-learning projects.
15. Requires learning materials and activities for student instruction or teacher training on the following topics to be displayed at least 72 hours before first use:
 - a) nondiscrimination, diversity, equity and inclusion;
 - b) race, ethnicity, sex, gender and bias;
 - c) action-oriented civics,
 - d) service-learning or social and emotional competencies; and
 - e) any combination of these topics with other concepts.
16. Requires information for materials and activities, on the specified topics requiring posting 72 hours before use, to include:
 - a) the title, author and organization associated with the material or activity;
 - b) a link, if freely and publicly available on the internet;
 - c) if not available on the internet, a brief description and information on how to request review of a copy of the material or activity; and
 - d) if created for nonpublic use, the identity of the creator, which may be indicated by a personal title and last initial for a teacher, staff member or school official.

17. Requires information for materials and activities on topics other than the specified topics to include:
 - a) at least the title and author or associated organization; and
 - b) if accessed online, the internet address associated with each material or activity.
18. Allows instructional worksheets or handouts on topics other than the outlined topics to be listed by title or internet address alone.
19. Requires posted learning material and activity information for each SY to remain accessible via the school website for at least two years.
20. Specifies that the posted learning material and activity information may be posted on an ongoing basis.
21. Specifies that the requirement to post the learning materials and activities information does not require:
 - a) digital reproduction of learning materials or activities;
 - b) disclosure of academic assessments;
 - c) separate reporting of individual components of learning materials produced as a single volume; or
 - d) a school to post or distribute learning material or an activity that would constitute an infringement of the federal Copyright Act.
22. Requires the school, for digital volumes containing works by multiple authors, to provide a table of contents or internet address disclosing the discrete works and authors.
23. Requires materials obtained from websites to be identified with an internet address specific to the content used for student instruction, if possible.
24. Allows a school preparing the list of learning materials and activities to:
 - a) use collaborative online document or spreadsheet software that is publicly accessible via a school website link and allows multiple users to update or add to posted content; and
 - b) satisfy listing requirements by posting a copy or the full text of lesson plans submitted to the school principal or other staff by school instructors in the current year, if materials and activities not in the lesson plans are listed according to all prescribed requirements.
25. Allows a teacher or school staff member to request the school use a personal title and last initial instead of the teacher's or staff member's full name when posting materials.
26. Exempts, from the outlined posting requirements, a school whose instructors at a site with fewer than 20 enrolled students independently select learning materials or activities.
27. Defines *action-oriented civics learning assignments or projects, guest lecture, service-learning projects, social emotional competencies* and *used for student instruction*.

Enforcement of Posting Requirements

28. Prohibits a party from initiating legal enforcement action unless the party adheres to the prescribed local complaint process.
29. Allows a party to submit, to the school principal, a written complaint with the specific facts of the alleged violation.
30. Directs a school principal, within 15 school days after receiving a complaint, to investigate and provide a written response that describes any action taken to resolve the complaint.
31. Directs the party, if the school principal's action does not satisfactorily resolve the complaint, to submit a written complaint with the specific facts of the alleged violation to:
 - a) the governing board;
 - b) governing body; or
 - c) administrator designated by the governing board or governing body.
32. Requires, within 25 school days, the governing board, governing body or designated administrator to investigate the complaint and provide a written response describing any action taken to resolve the complaint.
33. Allows a party to pursue legal action to enforce posting requirements if the respective authority does not resolve the complaint to the complainant's satisfaction.
34. Authorizes the following individuals to initiate a suit in superior court to bring action for injunctive relief or a writ of mandamus to compel the governing board or governing body to bring the school into compliance with posting requirements:
 - a) the Superintendent of Public Instruction;
 - b) the Auditor General;
 - c) the Attorney General (AG) or applicable county attorney; or
 - d) a student or parent of a student enrolled in the school district or charter school in which an alleged violation occurs.
35. Allows an attorney acting on behalf of a school district or charter school to request a legal opinion by the AG or respective county attorney as to whether the actions taken by the school district or charter school comply with posting requirements.

Miscellaneous

36. Authorizes a municipality to post on its website links to the website of each school in the municipality that posts the required information and learning materials and activities used for student instruction and teacher training.
37. Contains a severability clause.
38. Makes technical and conforming changes.
39. Becomes effective on the general effective date.